

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, SEPTEMBER 18, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-1 *Pyatt v. City of San Diego* LP05-0534-2006
Vann v. City of San Diego, LP05-0534-2096
Nettleton v. City of San Diego LP05-0534-2049

DCA assigned: C. Brock

The above claims arise from a storm drain failure and resultant flooding that occurred on February 23, 2005, at Caminito Prado and Via Capri in La Jolla. In closed session the City Attorney will discuss and seek authority for final settlement of all claims.

CS-2 *Friends of Fox Canyon Park v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 864623

DCA assigned: M. Dickenson

This matter involves a California Environmental Quality Act case which challenges the City Council's approval of a Mitigated Negative Declaration. The City Attorney requests that the Mayor and City Council consider possible settlement of this case in closed session.

**CS-3 *Howard DeYoung, et al. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 849647**

DCA assigned: J. Riley

This case involves an alleged violation of a 1983 settlement agreement. In closed session, the City Attorney will update the City Council on the matter and seek direction.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-4 Legality of Superstore Ordinance to Preserve the General Welfare

DCA: J. Garmo

The Joint Labor Management Committee has submitted to the City a proposed ordinance [SKU Ordinance], which would prohibit the establishment of Superstores (stores combining a general discount store with a full-sized supermarket under a single roof) in the City of San Diego. WalMart has threatened litigation if the City were to pass this ordinance.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-5 Agency negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

Employee organizations: Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

DCA assigned: W. Gersten

Discuss with Council the negotiations with all five labor unions (Municipal Employees Association, AFSCME Local 127, Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association) regarding the implementing ordinances for the Mayor's Ballot proposals that would allow for the managed competition of certain City services and also require voter approval for enhancements to employee pension benefits.